

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

JENNIFER VANDERSTOK *et al.*,

Plaintiffs,

v.

MERRICK GARLAND, in his official
capacity as Attorney General of the United
States *et al.*,

Defendants.

Case No. 4:22-cv-00691-O

**DEFENDANTS' ANSWER TO PLAINTIFFS' AMENDED PETITION
FOR JUDICIAL REVIEW OF AGENCY ACTION AND REQUEST FOR
DECLARATORY JUDGMENT AND INJUNCTIVE RELIEF**

Defendants Merrick Garland, in his official capacity as Attorney General of the United States; Steven Dettelbach, Director of the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF), in his official capacity; the United States Department of Justice; and ATF (collectively, Defendants), hereby answer Plaintiffs' Amended Complaint, ECF No. 93, as follows.

The first unnumbered paragraph consists of Plaintiffs' characterization of this action, to which no response is required. To the extent a response is deemed required, the allegations in this paragraph are denied.

1. This paragraph consists of legal conclusions and of Plaintiffs' characterization of a constitutional provision, to which no response is required. To the extent a response is deemed required, Defendants respectfully refer the Court to the cited constitutional provision for a full and accurate statement of its contents, and otherwise the allegations in this paragraph are denied.

2. This paragraph consists of legal conclusions and of Plaintiffs' characterization of a sentence excerpted from presidential remarks, to which no response is required. To the extent a

response is deemed required, Defendants respectfully refer the Court to the cited presidential remarks for a full and accurate statement of their contents, and otherwise the allegations in this paragraph are denied.

3. This paragraph consists of Plaintiffs' characterization of this action and also of legal conclusions, to which no response is required. To the extent a response is deemed required, the allegations in this paragraph are denied.

4. This paragraph consists of Plaintiffs' characterization of a statute and a regulation, and also consists of legal conclusions, to which no response is required. To the extent a response is deemed required, Defendants respectfully refer the Court to the cited legal provisions for a full and accurate statement of their contents, and otherwise the allegations in this paragraph are denied.

5. This paragraph consists of Plaintiffs' characterization of a statute, to which no response is required. To the extent a response is deemed required, Defendants respectfully refer the Court to the cited statute for a full and accurate statement of its contents, and otherwise the allegations in this paragraph are denied.

6. This paragraph consists of Plaintiffs' characterization of this action, of a statute, and of Final Rule, Definition of "Frame or Receiver" and Identification of Firearms, 87 Fed. Reg. 24,652 (Apr. 26, 2022) (Rule); and also consists of legal conclusions, to which no response is required. To the extent a response is deemed required, Defendants respectfully refer the Court to the cited legal provisions for a full and accurate statement of their contents, and otherwise the allegations in this paragraph are denied.

7. This paragraph consists of Plaintiffs' characterization of an ATF website page and of a statute and the Rule, and also consists of legal conclusions, to which no response is required. To the extent a response is deemed required, Defendants respectfully refer the Court to the cited website

page and legal provisions for a full and accurate statement of their contents, and otherwise the allegations in this paragraph are denied.

8. This paragraph consists of Plaintiffs' characterization of a statute and the Rule, and also consists of legal conclusions, to which no response is required. To the extent a response is deemed required, Defendants respectfully refer the Court to the cited legal provisions for a full and accurate statement of their contents, and otherwise the allegations in this paragraph are denied.

9. This paragraph consists of Plaintiffs' characterization of a statute and the Rule, and also consists of legal conclusions, to which no response is required. To the extent a response is deemed required, Defendants respectfully refer the Court to the cited legal provisions for a full and accurate statement of their contents, and otherwise the allegations in this paragraph are denied.

10. This paragraph consists of Plaintiffs' characterization of a statute and a legal brief; and consists also of legal conclusions, to which no response is required. To the extent a response is deemed required, Defendants respectfully refer the Court to the cited legal provisions for a full and accurate statement of their contents, and otherwise the allegations in this paragraph are denied.

11. This paragraph consists of Plaintiffs' characterization of this action and of various legal provisions, and consists also of legal conclusions, to which no response is required. To the extent a response is deemed required, Defendants respectfully refer the Court to the cited legal provisions for a full and accurate statement of their contents, and otherwise the allegations in this paragraph are denied.

12. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph, and therefore deny them.

13. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph, and therefore deny them.

14. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph, and therefore deny them, except to admit that Plaintiff Tactical Machining, LLC has previously submitted items to ATF for classification.

15. Defendants lack knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph, and therefore deny them, except to admit that Plaintiff Firearms Policy Coalition, Inc. submitted a comment in response to Proposed Rule, Definition of “Frame or Receiver” and Identification of Firearms, 86 Fed. Reg. 27,720 (May 21, 2021) (Notice).

16. Defendants admit that Defendant Merrick Garland is the Attorney General of the United States, that he is sued in his official capacity, that the Attorney General is head of the United States Department of Justice (DOJ), that ATF is a component of DOJ, and that ATF is responsible for administering and enforcing federal firearms laws, including the Gun Control Act and National Firearms Act.

17. The allegations in this paragraph are admitted.

18. Defendants admit that Defendant Steven Dettelbach is the Director of ATF, that he is sued in his official capacity, and that as ATF Director, he is responsible for administering and enforcing federal firearms laws, including the Gun Control Act and National Firearms Act.

19. The allegations in this paragraph are admitted.

20. This paragraph consists of Plaintiffs’ characterization of a statute, and also consists of legal conclusions, to which no response is required. To the extent a response is deemed required, Defendants respectfully refer the Court to the cited statute for a full and accurate statement of its contents, and otherwise the allegations in this paragraph are denied.

21. This paragraph consists of Plaintiffs’ characterization of a statute, and also consists of legal conclusions, to which no response is required. To the extent a response is deemed required,

Defendants respectfully refer the Court to the cited statute for a full and accurate statement of its contents, and otherwise the allegations in this paragraph are denied.

22. This paragraph consists of Plaintiffs' characterization of two statutory provisions, and also consists of legal conclusions, to which no response is required. To the extent a response is deemed required, Defendants respectfully refer the Court to the cited statutory provisions for a full and accurate statement of their contents, and otherwise the allegations in this paragraph are denied.

23. Defendants lack knowledge or information sufficient to form a belief as to the truth of the factual allegations contained in this paragraph, and therefore deny them. This paragraph otherwise consists of Plaintiffs' characterization of a statute, and also consists of legal conclusions, to which no response is required. To the extent a response is deemed required, Defendants respectfully refer the Court to the cited statute for a full and accurate statement of its contents, and otherwise the remainder of this paragraph is denied.

24. This paragraph consists of Plaintiffs' characterization of a judicial decision, and also consists of legal conclusions, to which no response is required. To the extent a response is deemed required, Defendants respectfully refer the Court to the cited decision for a full and accurate statement of its contents, and otherwise the allegations in this paragraph are denied.

25. This paragraph consists of Plaintiffs' characterization of judicial decisions, and also consists of legal conclusions, to which no response is required. To the extent a response is deemed required, Defendants respectfully refer the Court to the cited decisions for a full and accurate statement of their contents, and otherwise the allegations in this paragraph are denied.

26. This paragraph consists of Plaintiffs' characterization of a law review article, and also consists of legal conclusions, to which no response is required. To the extent a response is deemed required, Defendants respectfully refer the Court to the cited article for a full and accurate statement of its contents, and otherwise the allegations in this paragraph are denied.

27. This paragraph consists of Plaintiffs' characterization of a statement by a witness before a congressional subcommittee and of a law review article, and also consists of legal conclusions, to which no response is required. To the extent a response is deemed required, Defendants respectfully refer the Court to the cited statement and article for a full and accurate statement of their contents, and otherwise the allegations in this paragraph are denied.

28. This paragraph consists of Plaintiffs' characterization of a law review article, and also consists of legal conclusions, to which no response is required. To the extent a response is deemed required, Defendants respectfully refer the Court to the cited article for a full and accurate statement of its contents, and otherwise the allegations in this paragraph are denied.

29. This paragraph consists of Plaintiffs' characterization of a statute and an ATF website page, and also consists of legal conclusions, to which no response is required. To the extent a response is deemed required, Defendants respectfully refer the Court to the cited statute and website page for a full and accurate statement of their contents, and otherwise the allegations in this paragraph are denied.

30. This paragraph consists of Plaintiffs' characterization of two statutes and of an ATF website page, and also consists of legal conclusions, to which no response is required. To the extent a response is deemed required, Defendants respectfully refer the Court to the cited statutes and website page for a full and accurate statement of their contents, and otherwise the allegations in this paragraph are denied.

31. This paragraph consists of Plaintiffs' characterization of a statute, and also consists of legal conclusions, to which no response is required. To the extent a response is deemed required, Defendants respectfully refer the Court to the cited statute for a full and accurate statement of its contents, and otherwise the allegations in this paragraph are denied.

32. This paragraph consists of Plaintiffs' characterization of statutory provisions, and also consists of legal conclusions, to which no response is required. To the extent a response is deemed required, Defendants respectfully refer the Court to the cited provisions for a full and accurate statement of their contents, and otherwise the allegations in this paragraph are denied.

33. This paragraph consists of Plaintiffs' characterization of two statutes, and also consists of legal conclusions, to which no response is required. To the extent a response is deemed required, Defendants respectfully refer the Court to the cited statutes for a full and accurate statement of their contents, and otherwise the allegations in this paragraph are denied.

34. This paragraph consists of Plaintiffs' characterization of statutory provisions, and also consists of legal conclusions, to which no response is required. To the extent a response is deemed required, Defendants respectfully refer the Court to the cited provisions for a full and accurate statement of their contents, and otherwise the allegations in this paragraph are denied.

35. This paragraph consists of Plaintiffs' characterization of a judicial decision, and also consists of legal conclusions, to which no response is required. To the extent a response is deemed required, Defendants respectfully refer the Court to the cited decision for a full and accurate statement of its contents, and otherwise the allegations in this paragraph are denied.

36. This paragraph consists of Plaintiffs' characterization of a judicial decision and a regulation, and also consists of legal conclusions, to which no response is required. To the extent a response is deemed required, Defendants respectfully refer the Court to the cited decision and regulation for a full and accurate statement of their contents, and otherwise the allegations in this paragraph are denied.

37. This paragraph consists of Plaintiffs' characterization of a sentence in a legal brief, and also consists of legal conclusions, to which no response is required. To the extent a response is

deemed required, Defendants respectfully refer the Court to the cited legal brief for a full and accurate statement of its contents, and otherwise the allegations in this paragraph are denied.

38. Defendants admit that ATF maintains guides and images to convey and illustrate its treatment and classification of some firearms and some non-firearms.

39. This paragraph consists of Plaintiffs' characterization of an ATF website page and of a legal brief, and also consists of legal conclusions, to which no response is required. To the extent a response is deemed required, Defendants respectfully refer the Court to the cited website page and legal brief for a full and accurate statement of their contents, and otherwise the allegations in this paragraph are denied.

40. This paragraph consists of Plaintiffs' characterization of an ATF website page, and also consists of legal conclusions, to which no response is required. To the extent a response is deemed required, Defendants respectfully refer the Court to the cited website page for a full and accurate statement of its contents, and otherwise the allegations in this paragraph are denied.

41. This paragraph consists of Plaintiffs' characterization of a website, and also consists of legal conclusions, to which no response is required. To the extent a response is deemed required, Defendants respectfully refer the Court to the cited website for a full and accurate statement of its contents, and otherwise the allegations in this paragraph are denied.

42. This paragraph consists of Plaintiffs' characterization of a news article, and also consists of legal conclusions, to which no response is required. To the extent a response is deemed required, Defendants respectfully refer the Court to the cited news article for a full and accurate statement of its contents, and otherwise the allegations in this paragraph are denied.

43. This paragraph consists of Plaintiffs' characterization of a video on a news website, and also consists of legal conclusions, to which no response is required. To the extent a response is

deemed required, Defendants respectfully refer the Court to the cited video for a full and accurate statement of its contents, and otherwise the allegations in this paragraph are denied.

44. This paragraph consists of Plaintiffs' characterization of the Notice, and also consists of legal conclusions, to which no response is required. To the extent a response is deemed required, Defendants respectfully refer the Court to the Notice for a full and accurate statement of its contents, and otherwise the allegations in this paragraph are denied.

45. This paragraph consists of Plaintiffs' characterization of the Rule, and also consists of legal conclusions, to which no response is required. To the extent a response is deemed required, Defendants respectfully refer the Court to the Rule for a full and accurate statement of its contents, and otherwise the allegations in this paragraph are denied.

46. This paragraph consists of Plaintiffs' characterization of the Rule, and also consists of legal conclusions, to which no response is required. To the extent a response is deemed required, Defendants respectfully refer the Court to the Rule for a full and accurate statement of its contents, and otherwise the allegations in this paragraph are denied.

47. This paragraph consists of Plaintiffs' characterization of a statutory provision, and also consists of legal conclusions, to which no response is required. To the extent a response is deemed required, Defendants respectfully refer the Court to the cited provision for a full and accurate statement of its contents, and otherwise the allegations in this paragraph are denied.

48. This paragraph consists of Plaintiffs' characterization of a regulation, and also consists of legal conclusions, to which no response is required. To the extent a response is deemed required, Defendants respectfully refer the Court to the cited regulation for a full and accurate statement of its contents, and otherwise the allegations in this paragraph are denied.

49. This paragraph consists of Plaintiffs' characterization of a legal brief, and also consists of legal conclusions, to which no response is required. To the extent a response is deemed required,

Defendants respectfully refer the Court to the cited legal brief for a full and accurate statement of its contents, and otherwise the allegations in this paragraph are denied.

50. This paragraph consists of Plaintiffs' characterization of a legal brief, and also consists of legal conclusions, to which no response is required. To the extent a response is deemed required, Defendants respectfully refer the Court to the cited legal brief for a full and accurate statement of its contents, and otherwise the allegations in this paragraph are denied.

51. This paragraph consists of Plaintiffs' characterization of a statute and the Rule, and also consists of legal conclusions, to which no response is required. To the extent a response is deemed required, Defendants respectfully refer the Court to the cited legal provisions for a full and accurate statement of their contents, and otherwise the allegations in this paragraph are denied.

52. This paragraph consists of Plaintiffs' characterization of the Rule, and also consists of legal conclusions, to which no response is required. To the extent a response is deemed required, Defendants respectfully refer the Court to the Rule for a full and accurate statement of its contents, and otherwise the allegations in this paragraph are denied.

53. This paragraph consists of Plaintiffs' characterization of a statute, a legal dictionary, and a legal brief, and also consists of legal conclusions, to which no response is required. To the extent a response is deemed required, Defendants respectfully refer the Court to the cited materials for a full and accurate statement of their contents, and otherwise the allegations in this paragraph are denied.

54. This paragraph consists of Plaintiffs' characterization of a legal brief, and also consists of legal conclusions, to which no response is required. To the extent a response is deemed required, Defendants respectfully refer the Court to the cited legal brief for a full and accurate statement of its contents, and otherwise the allegations in this paragraph are denied.

55. This paragraph consists of Plaintiffs' characterization of a legal brief, and also consists of legal conclusions, to which no response is required. To the extent a response is deemed required, Defendants respectfully refer the Court to the cited legal brief for a full and accurate statement of its contents, and otherwise the allegations in this paragraph are denied.

56. This paragraph consists of Plaintiffs' characterization of a legal brief, and also consists of legal conclusions, to which no response is required. To the extent a response is deemed required, Defendants respectfully refer the Court to the cited legal brief for a full and accurate statement of its contents, and otherwise the allegations in this paragraph are denied.

57. This paragraph consists of Plaintiffs' characterization of a legal brief, and also consists of legal conclusions, to which no response is required. To the extent a response is deemed required, Defendants respectfully refer the Court to the cited legal brief for a full and accurate statement of its contents, and otherwise the allegations in this paragraph are denied.

58. This paragraph consists of Plaintiffs' characterization of a legal brief, and also consists of legal conclusions, to which no response is required. To the extent a response is deemed required, Defendants respectfully refer the Court to the cited legal brief for a full and accurate statement of its contents, and otherwise the allegations in this paragraph are denied.

59. This paragraph consists of Plaintiffs' characterization of the Rule and of an ATF website page, and also consists of legal conclusions, to which no response is required. To the extent a response is deemed required, Defendants respectfully refer the Court to the cited materials for a full and accurate statement of their contents, and otherwise the allegations in this paragraph are denied.

60. This paragraph consists of Plaintiffs' characterization of the Rule, and also consists of legal conclusions, to which no response is required. To the extent a response is deemed required, Defendants respectfully refer the Court to the Rule for a full and accurate statement of its contents, and otherwise the allegations in this paragraph are denied.

61. This paragraph consists of Plaintiffs' characterization of the Rule, and also consists of legal conclusions, to which no response is required. To the extent a response is deemed required, Defendants respectfully refer the Court to the Rule for a full and accurate statement of its contents, and otherwise the allegations in this paragraph are denied.

62. This paragraph consists of Plaintiffs' characterization of the Rule, and also consists of legal conclusions, to which no response is required. To the extent a response is deemed required, Defendants respectfully refer the Court to the Rule for a full and accurate statement of its contents, and otherwise the allegations in this paragraph are denied.

63. This paragraph consists of Plaintiffs' characterization of the Rule and of a statute, and also consists of legal conclusions, to which no response is required. To the extent a response is deemed required, Defendants respectfully refer the Court to the cited legal provisions for a full and accurate statement of their contents, and otherwise the allegations in this paragraph are denied.

64. This paragraph consists of Plaintiffs' characterization of the Notice and Rule, and also consists of legal conclusions, to which no response is required. To the extent a response is deemed required, Defendants respectfully refer the Court to the Notice and Rule for a full and accurate statement of their contents, and otherwise the allegations in this paragraph are denied.

65. This paragraph consists of Plaintiffs' characterization of the Rule, and also consists of legal conclusions, to which no response is required. To the extent a response is deemed required, Defendants respectfully refer the Court to the Rule for a full and accurate statement of its contents, and otherwise the allegations in this paragraph are denied.

66. This paragraph consists of Plaintiffs' characterization of the Rule, and also consists of legal conclusions, to which no response is required. To the extent a response is deemed required, Defendants respectfully refer the Court to the Rule for a full and accurate statement of its contents, and otherwise the allegations in this paragraph are denied.

67. This paragraph consists of Plaintiffs' characterization of the Rule and of a legal brief, and also consists of legal conclusions, to which no response is required. To the extent a response is deemed required, Defendants respectfully refer the Court to the cited materials for a full and accurate statement of their contents, and otherwise the allegations in this paragraph are denied.

68. This paragraph consists of Plaintiffs' characterization of a legal brief, and also consists of legal conclusions, to which no response is required. To the extent a response is deemed required, Defendants respectfully refer the Court to the cited legal brief for a full and accurate statement of its contents, and otherwise the allegations in this paragraph are denied.

69. This paragraph consists of Plaintiffs' characterization of a legal brief, and also consists of legal conclusions, to which no response is required. To the extent a response is deemed required, Defendants respectfully refer the Court to the cited legal brief for a full and accurate statement of its contents, and otherwise the allegations in this paragraph are denied.

70. This paragraph consists of Plaintiffs' characterization of a statute, and also consists of legal conclusions, to which no response is required. To the extent a response is deemed required, Defendants respectfully refer the Court to the cited statute for a full and accurate statement of its contents, and otherwise the allegations in this paragraph are denied.

71. This paragraph consists of Plaintiffs' characterization of a legal brief, and also consists of legal conclusions, to which no response is required. To the extent a response is deemed required, Defendants respectfully refer the Court to the cited legal brief for a full and accurate statement of its contents, and otherwise the allegations in this paragraph are denied.

72. This paragraph consists of Plaintiffs' characterization of the Rule, and also consists of legal conclusions, to which no response is required. To the extent a response is deemed required, Defendants respectfully refer the Court to the Rule for a full and accurate statement of its contents, and otherwise the allegations in this paragraph are denied.

73. The first sentence of this paragraph consists of Plaintiffs' characterization of an ATF website page, to which no response is required. To the extent a response is deemed required, Defendants respectfully refer the Court to the cited website page for a full and accurate statement of its contents, and otherwise the allegations in this paragraph are denied. Defendants admit that the Rule was published in the Federal Register on April 26, 2022. The third sentence of this paragraph consists of Plaintiffs' characterization of the Rule, and also consists of legal conclusions, to which no response is required. To the extent a response is deemed required, Defendants respectfully refer the Court to the Rule for a full and accurate statement of its contents, and otherwise the allegations in this paragraph are denied.

74. This paragraph consists of Plaintiffs' characterization of the Rule, and also consists of legal conclusions, to which no response is required. To the extent a response is deemed required, Defendants respectfully refer the Court to the Rule for a full and accurate statement of its contents, and otherwise the allegations in this paragraph are denied.

75. This paragraph consists of Plaintiffs' characterization of the Rule and a statute, and also consists of legal conclusions, to which no response is required. To the extent a response is deemed required, Defendants respectfully refer the Court to the cited legal provisions for a full and accurate statement of their contents, and otherwise the allegations in this paragraph are denied.

76. This paragraph consists of Plaintiffs' characterization of the Rule, and also consists of legal conclusions, to which no response is required. To the extent a response is deemed required, Defendants respectfully refer the Court to the Rule for a full and accurate statement of its contents, and otherwise the allegations in this paragraph are denied.

77. This paragraph consists of Plaintiffs' characterization of the Rule, and also consists of legal conclusions, to which no response is required. To the extent a response is deemed required,

Defendants respectfully refer the Court to the Rule for a full and accurate statement of its contents, and otherwise the allegations in this paragraph are denied.

78. This paragraph consists of Plaintiffs' characterization of the Notice, and also consists of legal conclusions, to which no response is required. To the extent a response is deemed required, Defendants respectfully refer the Court to the Notice for a full and accurate statement of its contents, and otherwise the allegations in this paragraph are denied.

79. This paragraph consists of Plaintiffs' characterization of the Notice and Rule, and also consists of legal conclusions, to which no response is required. To the extent a response is deemed required, Defendants respectfully refer the Court to the Notice and Rule for a full and accurate statement of their contents, and otherwise the allegations in this paragraph are denied.

80. This paragraph consists of Plaintiffs' characterization of the Rule, and also consists of legal conclusions, to which no response is required. To the extent a response is deemed required, Defendants respectfully refer the Court to the Rule for a full and accurate statement of its contents, and otherwise the allegations in this paragraph are denied.

81. This paragraph consists of Plaintiffs' characterization of the Rule, and also consists of legal conclusions, to which no response is required. To the extent a response is deemed required, Defendants respectfully refer the Court to the Rule for a full and accurate statement of its contents, and otherwise the allegations in this paragraph are denied.

82. This paragraph consists of Plaintiffs' characterization of the Notice and Rule, and also consists of legal conclusions, to which no response is required. To the extent a response is deemed required, Defendants respectfully refer the Court to the Notice and Rule for a full and accurate statement of their contents, and otherwise the allegations in this paragraph are denied.

83. This paragraph consists of Plaintiffs' characterization of the Notice and Rule, and also consists of legal conclusions, to which no response is required. To the extent a response is deemed

required, Defendants respectfully refer the Court to the Notice and Rule for a full and accurate statement of their contents, and otherwise the allegations in this paragraph are denied.

84. This paragraph consists of Plaintiffs' characterization of the Notice and Rule, and also consists of legal conclusions, to which no response is required. To the extent a response is deemed required, Defendants respectfully refer the Court to the Notice and Rule for a full and accurate statement of their contents, and otherwise the allegations in this paragraph are denied.

85. This paragraph consists of Plaintiffs' characterization of the Notice and Rule, and also consists of legal conclusions, to which no response is required. To the extent a response is deemed required, Defendants respectfully refer the Court to the Notice and Rule for a full and accurate statement of their contents, and otherwise the allegations in this paragraph are denied.

86. This paragraph consists of Plaintiffs' characterization of the Rule, and also consists of legal conclusions, to which no response is required. To the extent a response is deemed required, Defendants respectfully refer the Court to the Rule for a full and accurate statement of its contents, and otherwise the allegations in this paragraph are denied.

87. This paragraph consists of Plaintiffs' characterization of the Notice and Rule, and also consists of legal conclusions, to which no response is required. To the extent a response is deemed required, Defendants respectfully refer the Court to the Notice and Rule for a full and accurate statement of their contents, and otherwise the allegations in this paragraph are denied.

88. This paragraph consists of Plaintiffs' characterization of the Notice and Rule, and also consists of legal conclusions, to which no response is required. To the extent a response is deemed required, Defendants respectfully refer the Court to the Notice and Rule for a full and accurate statement of their contents, and otherwise the allegations in this paragraph are denied.

89. This paragraph consists of Plaintiffs' characterization of the Rule, and also consists of legal conclusions, to which no response is required. To the extent a response is deemed required,

Defendants respectfully refer the Court to the Rule for a full and accurate statement of its contents, and otherwise the allegations in this paragraph are denied.

90. This paragraph consists of Plaintiffs' characterization of the Notice and Rule, and also consists of legal conclusions, to which no response is required. To the extent a response is deemed required, Defendants respectfully refer the Court to the Notice and Rule for a full and accurate statement of their contents, and otherwise the allegations in this paragraph are denied.

91. This paragraph consists of Plaintiffs' characterization of the Rule, and also consists of legal conclusions, to which no response is required. To the extent a response is deemed required, Defendants respectfully refer the Court to the Rule for a full and accurate statement of its contents, and otherwise the allegations in this paragraph are denied.

92. This paragraph consists of Plaintiffs' characterization of the Rule and a comment responding to the Notice, and also consists of legal conclusions, to which no response is required. To the extent a response is deemed required, Defendants respectfully refer the Court to the Rule and the cited comment for a full and accurate statement of their contents, and otherwise the allegations in this paragraph are denied.

93. This paragraph consists of Plaintiffs' characterization of the Rule, and also consists of legal conclusions, to which no response is required. To the extent a response is deemed required, Defendants respectfully refer the Court to the Rule for a full and accurate statement of its contents, and otherwise the allegations in this paragraph are denied.

94. This paragraph consists of Plaintiffs' characterization of a comment responding to the Notice, and also consists of legal conclusions, to which no response is required. To the extent a response is deemed required, Defendants respectfully refer the Court to the cited comment for a full and accurate statement of its contents, and otherwise the allegations in this paragraph are denied.

95. This paragraph consists of Plaintiffs' characterization of a comment responding to the Notice, and also consists of legal conclusions, to which no response is required. To the extent a response is deemed required, Defendants respectfully refer the Court to the cited comment for a full and accurate statement of its contents, and otherwise the allegations in this paragraph are denied.

96. This paragraph consists of Plaintiffs' characterization of the Rule, and also consists of legal conclusions, to which no response is required. To the extent a response is deemed required, Defendants respectfully refer the Court to the Rule for a full and accurate statement of its contents, and otherwise the allegations in this paragraph are denied.

97. This paragraph consists of Plaintiffs' characterization of the Rule, and also consists of legal conclusions, to which no response is required. To the extent a response is deemed required, Defendants respectfully refer the Court to the Rule for a full and accurate statement of its contents, and otherwise the allegations in this paragraph are denied.

98. This paragraph consists of Plaintiffs' characterization of the Rule, and also consists of legal conclusions, to which no response is required. To the extent a response is deemed required, Defendants respectfully refer the Court to the Rule for a full and accurate statement of its contents, and otherwise the allegations in this paragraph are denied.

99. This paragraph consists of legal conclusions, to which no response is required. To the extent a response is deemed required, the allegations in this paragraph are denied.

100. This paragraph consists of Plaintiffs' characterization of the Rule and of judicial decisions, and also consists of legal conclusions, to which no response is required. To the extent a response is deemed required, Defendants respectfully refer the Court to the cited legal materials for a full and accurate statement of their contents, and otherwise the allegations in this paragraph are denied.

101. This paragraph consists of Plaintiffs' characterization of judicial decisions, and also consists of legal conclusions, to which no response is required. To the extent a response is deemed

required, Defendants respectfully refer the Court to the cited decisions for a full and accurate statement of their contents, and otherwise the allegations in this paragraph are denied.

102. This paragraph consists of Plaintiffs' characterization of the Rule, and also consists of legal conclusions, to which no response is required. To the extent a response is deemed required, Defendants respectfully refer the Court to the Rule for a full and accurate statement of its contents, and otherwise the allegations in this paragraph are denied.

103. This paragraph consists of Plaintiffs' characterization of the Rule, and also consists of legal conclusions, to which no response is required. To the extent a response is deemed required, Defendants respectfully refer the Court to the Rule for a full and accurate statement of its contents, and otherwise the allegations in this paragraph are denied.

104. This paragraph consists of Plaintiffs' characterization of the Rule, and also consists of legal conclusions, to which no response is required. To the extent a response is deemed required, Defendants respectfully refer the Court to the Rule for a full and accurate statement of its contents, and otherwise the allegations in this paragraph are denied.

105. This paragraph consists of Plaintiffs' characterization of the Rule and of judicial decisions, and also consists of legal conclusions, to which no response is required. To the extent a response is deemed required, Defendants respectfully refer the Court to the cited legal materials for a full and accurate statement of their contents, and otherwise the allegations in this paragraph are denied.

106. This paragraph consists of Plaintiffs' characterization of the Rule, and also consists of legal conclusions, to which no response is required. To the extent a response is deemed required, Defendants respectfully refer the Court to the Rule for a full and accurate statement of its contents, and otherwise the allegations in this paragraph are denied.

107. This paragraph consists of Plaintiffs' characterization of the Rule and of a judicial decision, and also consists of legal conclusions, to which no response is required. To the extent a

response is deemed required, Defendants respectfully refer the Court to the cited legal materials for a full and accurate statement of their contents, and otherwise the allegations in this paragraph are denied.

[96].¹ Defendants incorporate by reference their responses to paragraphs 1-107.

[97]. This paragraph consists of Plaintiffs' characterization of a statute, and also consists of legal conclusions, to which no response is required. To the extent a response is deemed required, Defendants respectfully refer the Court to the cited statute for a full and accurate statement of its contents, and otherwise the allegations in this paragraph are denied.

[98]. This paragraph consists of Plaintiffs' characterization of a judicial decision, and also consists of legal conclusions, to which no response is required. To the extent a response is deemed required, Defendants respectfully refer the Court to the cited decision for a full and accurate statement of its contents, and otherwise the allegations in this paragraph are denied.

[99]. This paragraph consists of Plaintiffs' characterization of a judicial decision, and also consists of legal conclusions, to which no response is required. To the extent a response is deemed required, Defendants respectfully refer the Court to the cited decision for a full and accurate statement of its contents, and otherwise the allegations in this paragraph are denied.

[100]. This paragraph consists of Plaintiffs' characterization of the Rule, and also consists of legal conclusions, to which no response is required. To the extent a response is deemed required, Defendants respectfully refer the Court to the Rule for a full and accurate statement of its contents, and otherwise the allegations in this paragraph are denied.

[101]. This paragraph consists of Plaintiffs' characterization of the Rule and a statute, and also consists of legal conclusions, to which no response is required. To the extent a response is

¹ Plaintiffs' Amended Complaint mis-numbers the remaining paragraphs (108-176) as 96-164. To avoid confusion, this answer uses Plaintiffs' incorrect paragraph numbering scheme in brackets.

deemed required, Defendants respectfully refer the Court to the cited legal materials for a full and accurate statement of their contents, and otherwise the allegations in this paragraph are denied.

[102]. This paragraph consists of Plaintiffs' characterization of the Rule, and also consists of legal conclusions, to which no response is required. To the extent a response is deemed required, Defendants respectfully refer the Court to the Rule for a full and accurate statement of its contents, and otherwise the allegations in this paragraph are denied.

[103]. Defendants incorporate by reference their responses to all preceding paragraphs.

[104]. This paragraph consists of Plaintiffs' characterization of a statute, and also consists of legal conclusions, to which no response is required. To the extent a response is deemed required, Defendants respectfully refer the Court to the cited statute for a full and accurate statement of its contents, and otherwise the allegations in this paragraph are denied.

[105]. This paragraph consists of Plaintiffs' characterization of a statute and a judicial decision, and also consists of legal conclusions, to which no response is required. To the extent a response is deemed required, Defendants respectfully refer the Court to the cited legal materials for a full and accurate statement of their contents, and otherwise the allegations in this paragraph are denied.

[106]. This paragraph consists of Plaintiffs' characterization of the Notice and Rule, and also consists of legal conclusions, to which no response is required. To the extent a response is deemed required, Defendants respectfully refer the Court to the Notice and Rule for a full and accurate statement of their contents, and otherwise the allegations in this paragraph are denied.

[107]. This paragraph consists of Plaintiffs' characterization of a statute and a judicial decision, and also consists of legal conclusions, to which no response is required. To the extent a response is deemed required, Defendants respectfully refer the Court to the cited legal materials for a full and accurate statement of their contents, and otherwise the allegations in this paragraph are denied.

[108]. This paragraph consists of Plaintiffs' characterization of the Notice and Rule, and also consists of legal conclusions, to which no response is required. To the extent a response is deemed required, Defendants respectfully refer the Court to the Notice and Rule for a full and accurate statement of their contents, and otherwise the allegations in this paragraph are denied.

[109]. This paragraph consists of Plaintiffs' characterization of the Notice and Rule, and also consists of legal conclusions, to which no response is required. To the extent a response is deemed required, Defendants respectfully refer the Court to the Notice and Rule for a full and accurate statement of their contents, and otherwise the allegations in this paragraph are denied.

[110]. This paragraph consists of Plaintiffs' characterization of the Notice and Rule, and also consists of legal conclusions, to which no response is required. To the extent a response is deemed required, Defendants respectfully refer the Court to the Notice and Rule for a full and accurate statement of their contents, and otherwise the allegations in this paragraph are denied.

[111]. This paragraph consists of Plaintiffs' characterization of the Notice and Rule, and also consists of legal conclusions, to which no response is required. To the extent a response is deemed required, Defendants respectfully refer the Court to the Notice and Rule for a full and accurate statement of their contents, and otherwise the allegations in this paragraph are denied.

[112]. This paragraph consists of Plaintiffs' characterization of the Notice and Rule and judicial decisions, and also consists of legal conclusions, to which no response is required. To the extent a response is deemed required, Defendants respectfully refer the Court to the cited legal materials for a full and accurate statement of their contents, and otherwise the allegations in this paragraph are denied.

[113]. This paragraph consists of Plaintiffs' characterization of the Notice and Rule, and also consists of legal conclusions, to which no response is required. To the extent a response is deemed

required, Defendants respectfully refer the Court to the Notice and Rule for a full and accurate statement of their contents, and otherwise the allegations in this paragraph are denied.

[114]. This paragraph consists of Plaintiffs' characterization of the Notice and Rule, and also consists of legal conclusions, to which no response is required. To the extent a response is deemed required, Defendants respectfully refer the Court to the Notice and Rule for a full and accurate statement of their contents, and otherwise the allegations in this paragraph are denied.

[115]. This paragraph consists of Plaintiffs' characterization of the Notice and Rule, and also consists of legal conclusions, to which no response is required. To the extent a response is deemed required, Defendants respectfully refer the Court to the Notice and Rule for a full and accurate statement of their contents, and otherwise the allegations in this paragraph are denied.

[116]. Defendants incorporate by reference their responses to all preceding paragraphs.

[117]. This paragraph consists of Plaintiffs' characterization of a statute, and also consists of legal conclusions, to which no response is required. To the extent a response is deemed required, Defendants respectfully refer the Court to the cited statute for a full and accurate statement of its contents, and otherwise the allegations in this paragraph are denied.

[118]. This paragraph consists of Plaintiffs' characterization of a judicial decision, and also consists of legal conclusions, to which no response is required. To the extent a response is deemed required, Defendants respectfully refer the Court to the cited decision for a full and accurate statement of its contents, and otherwise the allegations in this paragraph are denied.

[119]. This paragraph consists of Plaintiffs' characterization of the Rule, and also consists of legal conclusions, to which no response is required. To the extent a response is deemed required, Defendants respectfully refer the Court to the Rule for a full and accurate statement of its contents, and otherwise the allegations in this paragraph are denied.

[120]. This paragraph consists of Plaintiffs' characterization of the Rule, and also consists of legal conclusions, to which no response is required. To the extent a response is deemed required, Defendants respectfully refer the Court to the Rule for a full and accurate statement of its contents, and otherwise the allegations in this paragraph are denied.

[121]. This paragraph consists of Plaintiffs' characterization of the Rule and of legal briefs, and also consists of legal conclusions, to which no response is required. To the extent a response is deemed required, Defendants respectfully refer the Court to the cited legal materials for a full and accurate statement of their contents, and otherwise the allegations in this paragraph are denied.

[122]. This paragraph consists of Plaintiffs' characterization of the Rule, and also consists of legal conclusions, to which no response is required. To the extent a response is deemed required, Defendants respectfully refer the Court to the Rule for a full and accurate statement of its contents, and otherwise the allegations in this paragraph are denied.

[123]. This paragraph consists of Plaintiffs' characterization of the Rule, and also consists of legal conclusions, to which no response is required. To the extent a response is deemed required, Defendants respectfully refer the Court to the Rule for a full and accurate statement of its contents, and otherwise the allegations in this paragraph are denied.

[124]. This paragraph consists of Plaintiffs' characterization of a statute, and also consists of legal conclusions, to which no response is required. To the extent a response is deemed required, Defendants respectfully refer the Court to the cited statute for a full and accurate statement of its contents, and otherwise the allegations in this paragraph are denied.

[125]. This paragraph consists of Plaintiffs' characterization of legislative materials, and also consists of legal conclusions, to which no response is required. To the extent a response is deemed required, Defendants respectfully refer the Court to the cited legislative materials for a full and accurate statement of their contents, and otherwise the allegations in this paragraph are denied.

[126]. This paragraph consists of Plaintiffs' characterization of a legislative report, and also consists of legal conclusions, to which no response is required. To the extent a response is deemed required, Defendants respectfully refer the Court to the cited report for a full and accurate statement of its contents, and otherwise the allegations in this paragraph are denied.

[127]. This paragraph consists of Plaintiffs' characterization of a judicial decision, and also consists of legal conclusions, to which no response is required. To the extent a response is deemed required, Defendants respectfully refer the Court to the cited decision for a full and accurate statement of its contents, and otherwise the allegations in this paragraph are denied.

[128]. This paragraph consists of Plaintiffs' characterization of judicial decisions, and also consists of legal conclusions, to which no response is required. To the extent a response is deemed required, Defendants respectfully refer the Court to the cited decisions for a full and accurate statement of their contents, and otherwise the allegations in this paragraph are denied.

[129]. This paragraph consists of Plaintiffs' characterization of the Rule, and also consists of legal conclusions, to which no response is required. To the extent a response is deemed required, Defendants respectfully refer the Court to the Rule for a full and accurate statement of its contents, and otherwise the allegations in this paragraph are denied.

[130]. This paragraph consists of Plaintiffs' characterization of the Rule, and also consists of legal conclusions, to which no response is required. To the extent a response is deemed required, Defendants respectfully refer the Court to the Rule for a full and accurate statement of its contents, and otherwise the allegations in this paragraph are denied.

[131]. Defendants incorporate by reference their responses to all preceding paragraphs.

[132]. This paragraph consists of Plaintiffs' characterization of a constitutional provision, and also consists of legal conclusions, to which no response is required. To the extent a response is

deemed required, Defendants respectfully refer the Court to the cited provision for a full and accurate statement of its contents, and otherwise the allegations in this paragraph are denied.

[133]. This paragraph consists of Plaintiffs' characterization of a constitutional provision, and also consists of legal conclusions, to which no response is required. To the extent a response is deemed required, Defendants respectfully refer the Court to the cited provision for a full and accurate statement of its contents, and otherwise the allegations in this paragraph are denied.

[134]. This paragraph consists of Plaintiffs' characterization of a judicial decision, and also consists of legal conclusions, to which no response is required. To the extent a response is deemed required, Defendants respectfully refer the Court to the cited decision for a full and accurate statement of its contents, and otherwise the allegations in this paragraph are denied.

[135]. This paragraph consists of Plaintiffs' characterization of a judicial decision, and also consists of legal conclusions, to which no response is required. To the extent a response is deemed required, Defendants respectfully refer the Court to the cited decision for a full and accurate statement of its contents, and otherwise the allegations in this paragraph are denied.

[136]. This paragraph consists of Plaintiffs' characterization of the Rule, and also consists of legal conclusions, to which no response is required. To the extent a response is deemed required, Defendants respectfully refer the Court to the Rule for a full and accurate statement of its contents, and otherwise the allegations in this paragraph are denied.

[137]. This paragraph consists of Plaintiffs' characterization of a judicial decision, and also consists of legal conclusions, to which no response is required. To the extent a response is deemed required, Defendants respectfully refer the Court to the cited decision for a full and accurate statement of its contents, and otherwise the allegations in this paragraph are denied.

[138]. This paragraph consists of Plaintiffs' characterization of a judicial decision, and also consists of legal conclusions, to which no response is required. To the extent a response is deemed

required, Defendants respectfully refer the Court to the cited decision for a full and accurate statement of its contents, and otherwise the allegations in this paragraph are denied.

[139]. This paragraph consists of Plaintiffs' characterization of a judicial decision, and also consists of legal conclusions, to which no response is required. To the extent a response is deemed required, Defendants respectfully refer the Court to the cited decision for a full and accurate statement of its contents, and otherwise the allegations in this paragraph are denied.

[140]. This paragraph consists of Plaintiffs' characterization of a statute, and also consists of legal conclusions, to which no response is required. To the extent a response is deemed required, Defendants respectfully refer the Court to the cited statute for a full and accurate statement of its contents, and otherwise the allegations in this paragraph are denied.

[141]. This paragraph consists of Plaintiffs' characterization of the Rule, and also consists of legal conclusions, to which no response is required. To the extent a response is deemed required, Defendants respectfully refer the Court to the Rule for a full and accurate statement of its contents, and otherwise the allegations in this paragraph are denied.

[142]. Defendants incorporate by reference their responses to all preceding paragraphs.

[143]. This paragraph consists of Plaintiffs' characterization of a constitutional provision, and also consists of legal conclusions, to which no response is required. To the extent a response is deemed required, Defendants respectfully refer the Court to the cited provision for a full and accurate statement of its contents, and otherwise the allegations in this paragraph are denied.

[144]. This paragraph consists of Plaintiffs' characterization of a constitutional provision, and also consists of legal conclusions, to which no response is required. To the extent a response is deemed required, Defendants respectfully refer the Court to the cited provision for a full and accurate statement of its contents, and otherwise the allegations in this paragraph are denied.

[145]. This paragraph consists of Plaintiffs' characterization of a constitutional provision, and also consists of legal conclusions, to which no response is required. To the extent a response is deemed required, Defendants respectfully refer the Court to the cited provision for a full and accurate statement of its contents, and otherwise the allegations in this paragraph are denied.

[146]. This paragraph consists of Plaintiffs' characterization of a statute, and also consists of legal conclusions, to which no response is required. To the extent a response is deemed required, Defendants respectfully refer the Court to the cited statute for a full and accurate statement of its contents, and otherwise the allegations in this paragraph are denied.

[147]. This paragraph consists of Plaintiffs' characterization of a judicial decision, and also consists of legal conclusions, to which no response is required. To the extent a response is deemed required, Defendants respectfully refer the Court to the cited decision for a full and accurate statement of its contents, and otherwise the allegations in this paragraph are denied.

[148]. This paragraph consists of Plaintiffs' characterization of judicial decisions, and also consists of legal conclusions, to which no response is required. To the extent a response is deemed required, Defendants respectfully refer the Court to the cited decisions for a full and accurate statement of their contents, and otherwise the allegations in this paragraph are denied.

[149]. This paragraph consists of Plaintiffs' characterization of a law review article, and also consists of legal conclusions, to which no response is required. To the extent a response is deemed required, Defendants respectfully refer the Court to the cited article for a full and accurate statement of its contents, and otherwise the allegations in this paragraph are denied.

[150]. This paragraph consists of Plaintiffs' characterization of a law review article, and also consists of legal conclusions, to which no response is required. To the extent a response is deemed required, Defendants respectfully refer the Court to the cited article for a full and accurate statement of its contents, and otherwise the allegations in this paragraph are denied.

[151]. This paragraph consists of Plaintiffs' characterization of a law review article, and also consists of legal conclusions, to which no response is required. To the extent a response is deemed required, Defendants respectfully refer the Court to the cited article for a full and accurate statement of its contents, and otherwise the allegations in this paragraph are denied.

[152]. This paragraph consists of Plaintiffs' characterization of the Rule, and also consists of legal conclusions, to which no response is required. To the extent a response is deemed required, Defendants respectfully refer the Court to the Rule for a full and accurate statement of its contents, and otherwise the allegations in this paragraph are denied.

[153]. Defendants incorporate by reference their responses to all preceding paragraphs.

[154]. This paragraph consists of Plaintiffs' characterization of the Rule, a statute, and a judicial decision; and also consists of legal conclusions, to which no response is required. To the extent a response is deemed required, Defendants respectfully refer the Court to the cited legal provisions for a full and accurate statement of their contents, and otherwise the allegations in this paragraph are denied.

[155]. This paragraph consists of Plaintiffs' characterization of the Rule, and also consists of legal conclusions, to which no response is required. To the extent a response is deemed required, Defendants respectfully refer the Court to the Rule for a full and accurate statement of its contents, and otherwise the allegations in this paragraph are denied.

[156]. This paragraph consists of Plaintiffs' characterization of a legal brief, and also consists of legal conclusions, to which no response is required. To the extent a response is deemed required, Defendants respectfully refer the Court to the cited brief for a full and accurate statement of its contents, and otherwise the allegations in this paragraph are denied.

[157]. This paragraph consists of Plaintiffs' characterization of the Rule, and also consists of legal conclusions, to which no response is required. To the extent a response is deemed required,

Defendants respectfully refer the Court to the Rule for a full and accurate statement of its contents, and otherwise the allegations in this paragraph are denied.

[158]. Defendants incorporate by reference their responses to all preceding paragraphs.

[159]. This paragraph consists of Plaintiffs' characterization of a constitutional provision, and also consists of legal conclusions, to which no response is required. To the extent a response is deemed required, Defendants respectfully refer the Court to the cited provision for a full and accurate statement of its contents, and otherwise the allegations in this paragraph are denied.

[160]. This paragraph consists of Plaintiffs' characterization of judicial decisions, and also consists of legal conclusions, to which no response is required. To the extent a response is deemed required, Defendants respectfully refer the Court to the cited decisions for a full and accurate statement of their contents, and otherwise the allegations in this paragraph are denied.

[161]. This paragraph consists of Plaintiffs' characterization of the Rule and of judicial decisions, and also consists of legal conclusions, to which no response is required. To the extent a response is deemed required, Defendants respectfully refer the Court to the cited legal materials for a full and accurate statement of their contents, and otherwise the allegations in this paragraph are denied.

[162]. This paragraph consists of Plaintiffs' characterization of the Rule and of judicial decisions, and also consists of legal conclusions, to which no response is required. To the extent a response is deemed required, Defendants respectfully refer the Court to the cited legal materials for a full and accurate statement of their contents, and otherwise the allegations in this paragraph are denied.

[163]. This paragraph consists of Plaintiffs' characterization of the Rule and of a judicial decision, and also consists of legal conclusions, to which no response is required. To the extent a response is deemed required, Defendants respectfully refer the Court to the cited legal materials for a full and accurate statement of their contents, and otherwise the allegations in this paragraph are denied.

[164]. This paragraph consists of Plaintiffs' characterization of the Rule, and also consists of legal conclusions, to which no response is required. To the extent a response is deemed required, Defendants respectfully refer the Court to the Rule for a full and accurate statement of its contents, and otherwise the allegations in this paragraph are denied.

The remainder of the complaint consists of a demand for relief, not allegations of fact to which a response is required. To the extent a response is deemed required, Defendants deny that Plaintiffs are entitled to the relief requested or any other relief whatsoever.

Defendants specifically deny each and any allegation of the complaint not otherwise expressly admitted, qualified, or denied in this Answer.

DATED: November 10, 2022

Respectfully submitted,

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/s/ Daniel Riess

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CERTIFICATE OF SERVICE

On November 10, 2022, I electronically submitted the foregoing document with the clerk of court for the U.S. District Court, Northern District of Texas, using the electronic case filing system of the court. I hereby certify that I have served all parties electronically or by another manner authorized by Federal Rule of Civil Procedure 5(b)(2).

/s/ Daniel Riess